



UNITED STATES PATENT AND TRADEMARK OFFICE

AS

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,424	07/27/2000	Mamoru Uchida	1403-0203P	2636

7590 12/05/2001

Birch Stewart Kolasch & Birch LLP
P O Box 747
Falls Church, VA 22040-0747

EXAMINER

MAKI, STEVEN D

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 12/05/2001

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/627424

Applicant(s)

Uchida et al

Examiner

Maki

Group Art Unit

1733

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-3 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-3 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some* ☐ None of the:

☒ Certified copies of the priority documents have been received

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received
in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1733

- 1) Figure 1(a) should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

See specification, page 1 line 12 to page 2 line 7; page 3 line 22-23, and page 7 lines 4-5.

- 2) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 3) **Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '204 (JP 62-191204) in view of Lucas et al (US 5,967,211), Japan '603 (JP 3-258603) and further in view of Canada '784 (CA 2049784) or Japan '214 (10-129214).**

Japan '204, directed to a tire having good anti-skid-proofing on snowy or icy road, discloses a pneumatic tire having a tread comprising 100 parts tread rubber such as natural rubber (a diene rubber) and 5-60 parts short fibers such as glass fibers or carbon fibers. The short fibers are radially oriented (oriented orthogonal to the outer surface of the tread 4). Japan '204 does not specifically recite the hardness of the tread.

As to claims 1-3, it would have been obvious to one of ordinary skill in the art to provide the tread rubber of Japan '204 such that the hardness of the tread rubber is 45-75 degrees at -10 degrees C since (1) Lucas et al, which also describes a tread having short fibers therein, suggests using a tread rubber having a shore A hardness of 45-65 (a relatively soft rubber) for

Art Unit: 1733

enhancing ice traction and (2) Japan '603, which also describes radially oriented fiber material, suggests using a tread rubber having a hardness of 45-50 JIS.

As to the fiber length / diameter, it would have been obvious to use a fiber length of .1-5 mm and a diameter of 1-100 μm for the short fibers of Japan '204 in view of (1) Japan '204's teaching to use short fibers having a fiber length of 1-20 mm (bottom right of page 21) and (2) Canada '784's teaching to use short fibers in a tread having an average fiber length of .1-5 mm (100-5000 μm) and an average diameter of greater than 1 μm to avoid objectionable random movement of the short fibers or Japan '214's teaching to use radially oriented short fibers having a length of 20-1000 μm and a L/D of 200-2000 (column 3 paragraph 19).

As to $E1/E2$, the limitation of $E1 / E2$ being 1.1 to 4 at 25 degrees C (this ratio being descriptive of the fibers being radially oriented) would have been obvious in view of Japan '204's teaching to orient the short fibers such that they are orthogonal to the outer surface of the tread (i.e. radially oriented) to improve skid proofing of the tire on icy or snowy road.

4) Remarks

The remaining references are cited of interest.

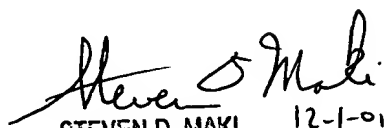
5) No claim is allowed.

6) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (703) 308-2068. The examiner can normally be reached on Monday to Friday from 7:00 AM to 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be

Art Unit: 1733

reached on (703) 308-2058. The fax phone number for Art Unit 1733 is (703) 305-7718. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Steven D. Maki
December 1, 2001


STEVEN D. MAKI 12-1-01
PRIMARY EXAMINER
~~GROUP 1550~~
AU 1733